



Meeting Minutes

Whitestown Plan Commission

Date: January 13, 2014

Time: 7:15pm

Location: Whitestown Town Hall, 6320 S. Cozy Lane, Whitestown, IN 46075, (317) 769-6557

Call to Order

7:19pm

Pledge of Allegiance

Roll Call

- ☒ Mark Worthley, President
- ☒ Jason Lawson, Vice Pres
- ☒ Dennis Anderson
- ☐ Carey Domres (absent)
- ☐ Jan Jones (absent)
- ☒ Greg Semmler
- ☒ Josh Westrich
- ☒ Staff:
 - o Deborah Luzier, Town Planner, GRW
 - o John Molitor, WPC/WBZA Attorney

Election of 2014 Officers

- President

Motion for Worthley as President by Anderson. Second by Lawson. Motion passes unanimously.

- Vice President

Motion for Lawson as Vice-president by Worthley . Second by Anderson. Motion passes unanimously.

Approve Agenda

1. January 13, 2014

Motion to approve agenda by Worthley. Second by Semmler. Motion passes unanimously.

Minutes

2. December 9, 2013

Motion to approve minutes by Semmler. Second by Lawson. Motion passes unanimously.

Old Business

3. **PC13-019-CP – Parks and Recreation Impact Fees.** The Commission to consider recommendation of an ordinance establishing a Parks and Recreation Impact Fee for the Town of Whitestown. The Zone Improvement Plan was approved by the Plan Commission at the 12/9/13 hearing and the subsequent resolution was adopted by the Town Council.

a. Discussion

- i. Nathan Messer, Parks Dept – I can answer any questions you may have. No changes were made at the Council level with regard to the Zone Impact Plan that the WPC adopted last month.

Motion for favorable recommendation by Worthley. Second by Lawson. Motion passes unanimously.

4. **PC13-020-TA - Text Amendment for Waivers and Driveway Setbacks.** The Commission to consider recommendation of text amendments to the Zoning Ordinance and Subdivision Control Ordinance for the provision of waivers to the Subdivision Control Ordinance and establishing driveway setbacks from intersections on corner lots.

a. Discussion

- i. Lawson – I prefer that we consider these on a case-by-case basis instead of an overall amendment.
- ii. Anderson – I would also like to look at these on a case-by-case basis instead of an overall amendment.
- iii. Luzier – Besides the proposed setback language, there is some other critical language that is part of this amendment that we need to consider. There is clarifying language for the waiver process as well as adding cross-references to the State Statutes. We could do a partial consideration or break this up if necessary.

b. Public Comment

- i. L.J. Jernstadt, resident – I have been in opposition to this ordinance language in the past, but I misunderstood the request. I thought this was a request to reduce the front yard setback. I am ok with a 55-foot driveway setback. The WPC should not let Staff grant waivers on their own either - they should all come before the WPC for approval.
- ii. David Compton, Pulte Homes – I think that there is logic to a 75-foot setback on county roads, but on local roads inside a subdivision the 75-foot requirement is too strict. The setback should be variable and based on the road classification. I believe that 50 feet is reasonable. Not passing this ordinance amendment will cause a lot more waiver requests in the future. The driveway setback requirement is an issue for all new development.
- iii. Lawson – I'm not saying that a 50-foot setback isn't safe. I just think we need to consider these on a case-by-case basis to ensure that it is what's truly needed.
- iv. Jernstadt – The required setback should also be dependent on the type of development.
- v. Kevin Russell, Councilman – if you went down to 50 feet, is there some way to still protect the site triangle?
- vi. Luzier – the ordinance already has a 25-foot site triangle requirement in place. This requirement is not being changed.

Motion for favorable recommendation by Worthley. Second by Semmler. Vote 2/3 (Lawson, Anderson, and Westrich dissenting). Motion fails.

- vii. Molitor – the motion failed. You could continue it til next month and reconsider it again if you choose
- viii. Worthley – Staff, put this on the agenda for next month.

New Business – Public Hearing

- 5. **Docket PC14-001-ZA - Zoning Amendment - Eiteljorg Property.** The petitioner is requesting approval of a Zoning Amendment from R1-Low-density Residential (1-2 homes/acre) to R3-Medium-density Single-family and Two-family Residential (1.75-3 homes/acre). The subject property contains 108 acres and is located at 4947 S Main St, at the northeast corner of S Main St and 500 S. The property is currently zoned R1-Low-density Residential and the Comprehensive Plan classifies the future land use as Medium Intensity Residential (1-2 homes/acre). The petitioner is Pulte Group and the owner is Harrison and Jack Eiteljorg.
- 6. **Docket PC14-003-C - Concept Plan and Waivers - Harvest Park Subdivision.** The petitioner is requesting review of a Concept Plan as well as multiple Waivers for the proposed Harvest Park Subdivision. The subject property contains 108 acres and is located at 4947 S Main St, at the northeast corner of S Main St and 500 S. The petitioner is Pulte Group and the owner is Harrison and Jack Eiteljorg.

On January 10, 2014, petitioner requested continuances for the above two petitions for the February 10, 2014 meeting.

a. Discussion

- i. Jeff Jacobs, attorney for petitioner – I am here with David Compton and Ashley Bedell. We have asked for a continuance for our two petitions to the February meeting (PC14-001-ZA and PC14-003-C). We continued our BZA petition for Variances to the February meeting as well. If we are not ready, we may also ask for a continuance at the next meeting too.
- ii. Luzier – The petitioner has until January 24th to submit new information into the file. If anyone has any questions/comments that they would like included in the Staff Report and distributed to the WPC members ahead of time, they need to be received by January 31st. Interested persons may also speak or submit information at the hearing itself.
- iii. Molitor – you will need a motion to formally continue the hearing for these two petitions.

Motion to continue PC14-001-ZA and PC14-003-C to February 10, 2014 by Worthley. Second by Lawson. Motion passes unanimously.

- 7. **Docket PC14-004-ZA - Zoning Amendment - McKinzie Property.** The petitioner is requesting approval of a Zoning Amendment from AG-Agriculture to I-1 Light Industrial. The subject property contains 63 acres and is located at the northeast corner of 400S and 500E. The property is zoned AG-Agriculture and the Comprehensive Plan classifies the future land use as Open Space/Recreation, High-intensity Residential (3-5 homes/acre), and Medium-intensity Residential (1-2 homes/acre). The petitioner is GDI Construction and the owner is the McKinzie Family.

a. Presentation

- i. Kent Frandsen, attorney for petitioner – I am here with Terry Cardwell with GDI Construction. The purchase agreement for this property is contingent upon the rezoning for office/warehouse use on this property. The Comprehensive Plan contemplated open space and residential uses on this property, but growth in this area has changed with Anson's industrial development, so residential is no longer a suitable use in this area. Staff

has made some recommendations that we are in agreement with, except for the limitations on driveway cuts. We are in agreement that we would utilize the existing median cut on Albert S White Blvd, but we do not want to be limited on driveway cuts on 500 E. Once we have a Development Plan ready for consideration, you could then consider the necessary driveway cuts. On our conceptual plan, we are showing two driveway cuts on 500 E and we think this would be adequate.

- b. Staff Report – Luzier. Based on the Concept Plan that was submitted late last week, I would like to clarify and amend the requested condition about limitations on driveway cuts. There should be no additional median cuts on Albert S White Blvd. There should be no more than two driveway cuts permitted on 500 E. Furthermore, all proposed driveways should be reviewed by TAC and the WPC at the Development Plan stage.
- c. Public Discussion
 - i. Jernstadt – there should be proper buffering for the truck loading areas where they front the main roadways. We also need to protect the floodway where possible.
 - ii. Blaine Paul, Anson – on the south side of 400 S, there is an 8' +/- berm constructed and the buffer is about 60 feet. Bufferyard E is the minimum requirement and doesn't reflect what has actually been installed. When loading docks front on the road, additional buffering and screening are required to block the view from the road.
 - iii. Worthley – where is the front of the building? It looks like it's on the back side.
 - iv. Paul – this lot actually has two classified "front yards" and two "side yards" since it is on a corner.
 - v. Frandsen – we know that bufferyards are contemplated, but until we decide on a final development plan, it's difficult to determine what buffers should be constructed.
 - vi. Worthley – screening the loading and truck areas is a concern of ours in all areas of Whitestown. Development in this area has been held to a very high standard, so we would also expect a berm along Albert S White Blvd.
 - vii. Frandsen – we fully expect that a berm will happen. We can get into those details when we have a development plan before you for discussion.
 - viii. Semmler – when Duke changed the orientation of their building to have the loading areas fronting on 400 S, we required the berm to shield this area from view. We will expect this from you as well.
 - ix. Frandsen – I don't want to get into the specific design of a berm at this time. I would rather negotiate this at the Development Plan stage when we know what is proposed. The McKinzie Trust owns the larger parcel and the McKinzie Family owns the one-acre parcel and we have permission from them for this rezoning request. Rezoning is part of the purchase agreement, so if it is not rezoned then we will not purchase this property.
 - x. Jernstadt – loading dock doors and semi-trailer parking should not be visible from the main roads.
 - xi. Worthley – I will recognize the amendment to the Staff Report about allowing two driveway cuts and the median cut limitation.

d. WPC Discussion

Motion for favorable recommendation with conditions by Worthley. Second by Semmler.

Conditions:

- 1. To preserve the character of development in this corridor, the following development standards shall be required:*
 - a. "Bufferyard E" shall be required along Albert S White Blvd (at least 30 feet wide with canopy trees, understory trees, and shrubs as outlined in the Zoning Ordinance.*
 - b. Maximum building height shall be 60 feet.*
 - c. Architectural review by the Plan Commission shall be considered at the time of Development Plan approval.*
- 2. To preserve the nature of development in this area, the following land uses shall be prohibited: Animal Day Care Facility, Customary Home Occupation (Accessory Use); Farm Seasonal Worker Housing; Fuel Dealers; Mobile Home, Travel Trailer, Camper Sales & Service; Skating; Temporary Mobile Home; and Trade or Business Schools.*
- 3. Additional right-of-way for Albert S White Blvd and 500 E shall be provided where necessary to ensure that they continue to function as a Major Arterial and Major Collector respectively.*
- 4. Trail/pathway connections should be considered when possible along the creek to the north of the development to foster connectivity between future developments.*
- 5. No additional median cuts onto Albert S White Blvd shall be permitted. No more than two driveway access point 500 E shall be permitted. All driveways shall be reviewed by TAC and WPC at the time of Development Plan consideration.*
- 6. Provide a bufferyard along Albert S White Blvd shall be provided that includes screening and a berm that is at least eight feet tall.*
 - i. Anderson – I would recommend that you amend the commitment in your motion to clarify the visual buffer you want to create. We need to make sure that it mirrors the effectiveness of the berm on the south side of the street and the continuity of this berm.
 - ii. Semmler – this will still have Development Plan approval where we can determine the specific design.
 - iii. Worthley – I spoke with Molitor about how specific we need to be at this time with a commitment.
 - iv. Molitor – commitments about the intent of this buffer should provide the petitioner and staff with clarity. It could contain a numeric value if you wanted to be very specific.
 - v. Frandsen – we're not sure about the exact amount of space we'll have on the north side of the road yet. Perhaps the commitment should be that the bufferyard would be reviewed and approved by the Plan Commission to provide adequate screening of the loading areas.
 - vi. Worthley – we are concerned about providing adequate screening and uniformity.
 - vii. Frandsen – we may not have enough space on our side of the road to do exactly what Duke did, but maybe we can come up with an equally effective buffer.
 - viii. Molitor – you could allow the petitioner to provide a buffer similar to Anson's, but it would have to be approved by the WPC to ensure that it adequately screens the loading areas and also resembles the screening provided on the south side of the road.

- ix. Frandsen – we could draft a commitment to reflect that.
- x. Molitor – then the petitioner should submit a draft to Staff for review prior to proceeding to the Council. Or, we could continue the petition to next month and we can review the commitments fully at that time.
- xi. Frandsen – I'm open to providing Staff and Counsel a draft commitment for review so that we can stay on track for consideration by the Council in February.
- xii. Worthley – what would happen if Staff/Counsel could not agree on the language of the commitment?
- xiii. Molitor – Staff would withhold the certification to the Town Council if the language is not agreed upon because the WPC recommendation wasn't finalized.
- xiv. Worthley – what is the front yard setback for this property?
- xv. Luzier – The front yard setback for the I1 district is 20 feet. However the minimum bufferyard along 400 S is 35 feet, so the larger distance prevails.
- xvi. Worthley – I will restate and clarify the conditions in my motion:

Conditions:

1. *To preserve the character of development in this corridor, the following development standards shall be required:*
 - a. *"Bufferyard E" shall be required along Albert S White Blvd (at least 30 feet wide with canopy trees, understory trees, and shrubs as outlined in the Zoning Ordinance.*
 - b. *Maximum building height shall be 60 feet.*
 - c. *Architectural review by the Plan Commission shall be considered at the time of Development Plan approval.*
2. *To preserve the nature of development in this area, the following land uses shall be prohibited: Animal Day Care Facility, Customary Home Occupation (Accessory Use); Farm Seasonal Worker Housing; Fuel Dealers; Mobile Home, Travel Trailer, Camper Sales & Service; Skating; Temporary Mobile Home; and Trade or Business Schools.*
3. *Additional right-of-way for Albert S White Blvd and 500 E shall be provided where necessary to ensure that they continue to function as a Major Arterial and Major Collector respectively.*
4. *Trail/pathway connections should be considered when possible along the creek to the north of the development to foster connectivity between future developments.*
5. *No additional median cuts onto Albert S White Blvd shall be permitted. No more than two driveway access point 500 E shall be permitted. All driveways shall be reviewed by TAC and WPC at the time of Development Plan consideration.*
6. *Provide a bufferyard along the north side of Albert S White Blvd that resembles the bufferyard on the south side of Albert S White Blvd and contains a berm that is at least eight (8) feet tall.*

Second by Semmler. Motion for favorable recommendation with conditions passes unanimously.

New Business – Public Meeting

7. **Docket PC14-002-DP - Development Plan Amendment - Anson 7A, Parking Area.** The petitioner is requesting approval of a Development Plan Amendment for the previously approved Building 7A in Anson. The subject property contains 32 acres and is located at 4175 S 500 E, at the southeast corner of 500 E and Albert S White, in Anson subdivision. The property is zoned PUD. The Technical Advisory Committee (TAC) reviewed the plans on 12/17/2013. The petitioner and engineer is Woolpert, Inc and the owner is Duke Construction.

- a. Presentation – Ben Houle, Woolpert with Blaine Paul from Duke. We are amending the parking area on the east side of the building by providing additional parking and providing a dedicated lane for deliveries based on the needs of the user.
- b. Staff Report - Luzier
- c. Public Discussion - none
- d. WPC Discussion –
 - i. Worthley – this is the spec building that came before us in 2012.
 - ii. Houle – the building is there and some of the parking areas are in place. We are making revisions to accommodate the new occupant, GNC.
 - iii. Paul – provides copy of demolition and topography plan. Describes gated area. The gate area will keep trucks from entering the parking area.
 - iv. Houle – we will coordinate hydrant locations and Knox Boxes with the Fire Dept.

Motion for approval by Worthley. Second by Lawson. Motion passes unanimously.

New Business from the Floor

- a. Jernstadt – is there a limit on the number of continuances a petition can have?
- b. Luzier – usually the petitioner and an interested party can each be granted one automatic continuance. Beyond that, the WPC/BZA will have to decide whether or not to grant a request to continue.

Announcements

Adjourn

8:46pm



Mark Worthley, President



Deborah Luzier, Secretary

Whiteston PC BZA Meeting

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Date: 1-13-14

Sign-in Sheet (please print)

Name		Address	Notify if judicial review is filed? ✓
1	LJ JERUSTADT	601 E Pierce ST	
2	Blaine Paul	600 E. 96th St., Indpls. IN 46250 46240	
3	BEN HOWE	7635 INTERACTIVE STE 100 INDIAN, IN 46278	
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